



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 5574-98
15 February 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 13 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
13 Jan 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: PERS-00ZCB

Subj: BCNR PETITION ICO H [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 21 Jul 98
(b) NAVADMIN 047/98
(c) NAVADMIN 148/98

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner reenlisted on 17 Jul 1998 for 6 years to continue active service and received a zone "B" SRB entitlement for the HM(8482) rate/NEC. Petitioner's EAOS at the time was 22 Jul 98.

- Reference (b), carried a zone "B" SRB for HM(8482) rate/NEC at award level 1.5. the day petitioner reenlisted.

- Reference (c), released on 14 Jul 1998 with effective date of 01 Aug 1998 carried zone "B" SRB entitlement for the HM(8482) rate/NEC at award level 2.0.

- Petitioner requests to receive the higher award level of 2.0 for NEC 8482 carried in reference (c).

- Reference (c) was released three days prior to petitioner's reenlistment. However, petitioner is not eligible to receive the higher award level for NEC 8482 because reference (c) was not in effect at the time of reenlistment. Additionally, petitioner's EAOS was 22 Jul 1998 and did not have enough obliserve from his previous enlistment to wait until the effective date of 01 Aug 1998 to receive the zone "B" SRB award level of 2.0.

2. In view of the above, recommend petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only.
Enclosure (1) is returned.


S. R. CHRISTY

Head,
Reenlistment Incentives Branch